

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ROBERT GENE WILL,	§	
Petitioner,	§	
	§	
v.	§	CIVIL ACTION 4:07-cv-1000
	§	**CAPITAL LITIGANT**
WILLIAM STEPHENS,	§	
Director,	§	Hon. Keith P. Ellison
Texas Department of Criminal Justice,	§	
Correctional Institutions Division,	§	
Respondent. ¹	§	

AGREED ADVISORY AND PROPOSED SCHEDULE FOR BRIEFING

This action involves a habeas corpus case brought by a Texas state prisoner who was convicted of capital murder and sentenced to death.

Will and the Director propose that this Court stay and abate these federal habeas proceedings so that Will may return to state court to exhaust and develop his new *Brady* claim. The Director withdraws his previous objection to Will's motion to stay and abate, on the agreed condition that Will files his state writ within sixty days of the order staying this proceeding, and that within thirty days of a final ruling by the Texas Court of Criminal Appeals, if necessary he would return to reinstitute proceedings in this Court.

Will and the Director hope that this advisory will obviate the need for the hearing currently set for August 21, 2013 and enable this Court to utilize its resources more effectively.

¹ The previous named respondent in this action was Rick Thaler. This year, William Stephens succeeded Thaler as Director of the Texas Department of Criminal Justice, Correctional Institutions Division. Under Rule 25(d)(1) of the Federal Rules of Civil Procedure and Rule 43 (c)(2) of the Federal Rules of Appellate Procedure, Stephens "is automatically substituted as a party."

Respectfully submitted,

GREG ABBOTT
Attorney General of Texas

DANIEL HODGE
First Assistant Attorney General

DON CLEMMER
Deputy Attorney General for
Criminal Justice

EDWARD MARSHALL
Assistant Attorney General
Chief, Criminal Appeals Division

s/ Georgette P. Oden
GEORGETTE P. ODEN
Assistant Attorney General
State Bar No. 24029752
P. O. Box 12548, Capitol Station
Austin, Texas 78711
(512) 936-1400
(512) 320-8132 (FAX)
Georgette.Oden@texasattorneygeneral.gov

ATTORNEYS FOR RESPONDENT

CERTIFICATE OF CONFERENCE

I, Georgette P. Oden, Assistant Attorney General of Texas, certify that Counsel for Petitioner, Samy Khalil, and I conferred on this matter today, August 20, 2013 and have agreed to submit this proposal to the Court.

s/ Georgette P. Oden
GEORGETTE P. ODEN
Assistant Attorney General

CERTIFICATE OF SERVICE

I, Georgette P. Oden, Assistant Attorney General of Texas, do hereby certify that a true and correct copy of the above has been served by electronic mail through the e-filing system to Counsel for Petitioner, Samy Khalil.

s/ Georgette P. Oden
GEORGETTE P. ODEN
Assistant Attorney General